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SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 12, 2004

Senate Chamber

President Pro Tempore called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Bunderson, Gannon, Kennedy, Malepeai, Noble, Noh, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jessica Cook, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Bunderson, Gannon, Kennedy, and Noh were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 11, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 12, 2004

The JUDICIARY AND RULES Committee reports that **S 1442**, **S 1443**, and **SCR 134** have been correctly printed.

DARRINGTON, Chairman

S 1442 was referred to the State Affairs Committee.

S 1443 was referred to the Finance Committee.

On request by Senator Sorensen, granted by unanimous consent, **SCR 134** was referred to the State Affairs Committee.

March 11, 2004

The JUDICIARY AND RULES Committee reports that **S 1224**, **S 1243**, as amended, **S 1303**, **S 1304**, **S 1331**, **S 1344**, **S 1408**, **S 1409**, **S 1410** **S 1411**, **S 1412**, **S 1413**, and **S 1414** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1224**, **S 1243**, as amended, **S 1303**, **S 1304**, **S 1331**, **S 1344**, **S 1408**, **S 1409**, **S 1410** **S 1411**, **S 1412**, **S 1413**, and **S 1414** and ordered them transmitted to the House for the signature of the Speaker.

Senators Malepeai and Stegner were recorded present at this order of business.

March 12, 2004

The JUDICIARY AND RULES Committee reports that **S 1351**, as amended, **S 1314**, as amended, **S 1346**, as amended, **S 1393**, as amended, and **S 1422**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1351, as amended, **S 1314**, as amended, **S 1346**, as amended, **S 1393**, as amended, and **S 1422**, as amended, were filed for first reading.

March 12, 2004

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1351**, **S 1314**, **S 1346**, **H 693**, **H 635**, **S 1393**, **S 1422**, **H 586**, and **H 651**, as amended, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 11, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1381**, **S 1385**, **S 1386**, **S 1387**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, **S 1400**, **S 1401**, **S 1402**, **S 1403**, **S 1404**, and **S 1405** were delivered to the Office of the Governor at 1:25 p.m., March 11, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 11, 2004

The EDUCATION Committee reports out **S 1322** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1322 was filed for second reading.

March 12, 2004

The FINANCE Committee reports out **S 1443** with the recommendation that it do pass.

CAMERON, Chairman

S 1443 was filed for second reading.

March 11, 2004

The EDUCATION Committee reports out **H 603** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **H 603** was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2004

The FINANCE Committee reports out **H 818**, **H 819**, **H 820**, and **H 821** with the recommendation that they do pass.

CAMERON, Chairman

H 818, **H 819**, **H 820**, and **H 821** were filed for second reading.

March 11, 2004

The HEALTH AND WELFARE Committee reports out **H 659**, as amended, with the recommendation that it do pass.

BRANDT, Chairman

H 659, as amended, was filed for second reading.

March 11, 2004

The HEALTH AND WELFARE Committee reports out **H 694** with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

BRANDT, Chairman

H 694 was filed for second reading.

March 11, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1441**, **H 773**, and **H 808** with the recommendation that they do pass.

GOEDDE, Vice Chairman

S 1441, **H 773**, and **H 808** were filed for second reading.

March 11, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 776**, **H 653**, and **H 807** with the recommendation that they do pass.

WILLIAMS, Chairman

H 776, **H 653**, and **H 807** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 11, 2004

Mr. President:

I transmit herewith **H 822**, **H 823**, **H 824**, **H 797**, **H 728**, as amended, **H 752**, as amended, and **H 799**, as amended, which have passed the House.

JUKER, Chief Clerk

H 822, **H 823**, **H 824**, **H 797**, **H 728**, as amended, **H 752**, as amended, and **H 799**, as amended, were filed for first reading.

March 11, 2004

Mr. President:

I return herewith **S 1415**, **S 1423**, **S 1424**, **S 1425**, **S 1426**, **S 1427**, **S 1428**, **S 1302**, **S 1345**, **S 1298**, **SCR 130**, **SCR 131**, and **S 1372** which have passed the House.

JUKER, Chief Clerk

S 1415, **S 1423**, **S 1424**, **S 1425**, **S 1426**, **S 1427**, **S 1428**, **S 1302**, **S 1345**, **S 1298**, **SCR 130**, **SCR 131**, and **S 1372** were referred to the Judiciary and Rules Committee for enrolling.

March 11, 2004

Mr. President:

I transmit herewith Enrolled **HJM 15**, **HCR 40**, **HJM 17**, **HCR 39**, and **HCR 45** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HJM 15**, **HCR 40**, **HJM 17**, **HCR 39**, and **HCR 45** and ordered them returned to the House.

March 11, 2004

Mr. President:

I return herewith Enrolled **S 1210**, **S 1221**, **S 1237**, **S 1244**, **S 1245**, **S 1246**, **S 1248**, **S 1249**, **S 1255**, **S 1264**, **S 1266**, **S 1267**, **S 1268**, **S 1295**, **S 1296**, and **SCR 120** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1210**, **S 1221**, **S 1237**, **S 1244**, **S 1245**, **S 1246**, **S 1248**, **S 1249**, **S 1255**, **S 1264**, **S 1266**, **S 1267**, **S 1268**, **S 1295**, and **S 1296** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 120** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 11, 2004

Mr. President:

I return herewith **S 1279**, as amended, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Brandt, granted by unanimous consent, **S 1279**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Noble was recorded present at this order of business.

H 693, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 635, as amended in the Senate, by Resources and Conservation Committee, was read the first time at length and filed for second reading.

H 586, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 651, as amended, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

S 1351, as amended, by Education Committee, was read the first time at length and filed for second reading.

S 1314, as amended, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

S 1346, as amended, by Education Committee, was read the first time at length and filed for second reading.

S 1393, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1422, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

H 822, **H 823**, and **H 824**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 797, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 728, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 752, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 799, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 648, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1392, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 596, by State Affairs Committee, was read the second time at length and filed for third reading.

H 632 and **H 748**, by Education Committee, were read the second time at length and filed for third reading.

H 552, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 656, by Health and Welfare Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 531, by Trail, was read the second time at length and filed for third reading.

H 589, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 712, H 532, H 625, as amended, **H 691, H 692**, and **H 756**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 682, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Schroeder, granted by unanimous consent, **S 1310**, as amended, having been held, **S 1328**, as amended, having been held, and **S 1327**, as amended, having been held, were recommitted to the Education Committee.

On request by Senator Davis, granted by unanimous consent, **S 1290** retained its place on the Third Reading Calendar for Monday, March 15, 2004.

S 1321, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Williams. Total - 20.

NAYS--Andreason (Andreason), Burkett, Calabretta, Ingram, Kennedy, Keough, Malepeai, Marley, Noh, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 15.

Total - 35.

Whereupon the President Pro Tempore declared **S 1321**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1435 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Darrington. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1435** passed, title was approved, and the bill ordered transmitted to the House.

H 560, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Brandt, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 31.

NAYS--Bunderson, Keough, McKenzie, Sweet. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 560**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 473, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason (Andreason), Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 473**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

**S 1444
BY FINANCE COMMITTEE
AN ACT**

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202, IDAHO CODE, TO CLARIFY LEGISLATIVE INTENT; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5202A, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 33-5203, IDAHO CODE, TO REVISE LIMITS ON THE NUMBER OF PUBLIC CHARTER SCHOOLS, TO GOVERN METHODS OF FORMING A PUBLIC CHARTER SCHOOL, TO PROVIDE ADDITIONAL LIMITATIONS ON AUTHORIZING A CHARTER, TO PROVIDE RULES TO BE ADOPTED BY THE STATE BOARD OF EDUCATION AND TO DESIGNATE CERTAIN LOCAL EDUCATIONAL AGENCIES; AMENDING SECTION 33-5204, IDAHO CODE, TO CLARIFY LIABILITY FOR PUBLIC CHARTER SCHOOLS AND TO SPECIFY CERTAIN PROHIBITED ACTS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5204A, IDAHO CODE, TO GOVERN APPLICABILITY OF PROFESSIONAL CODES AND STANDARDS TO EMPLOYEES OF PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO FURTHER GOVERN PROCEDURE FOR A PETITION TO ESTABLISH A PUBLIC CHARTER SCHOOL AND TO FURTHER GOVERN PERMITTED ADMISSION PROCEDURES; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE REFERENCES TO AUTHORIZED CHARTERING ENTITY AND TO FURTHER GOVERN REQUIREMENTS AND PROHIBITIONS UPON APPROVAL OF A PUBLIC CHARTER SCHOOL; AMENDING SECTION 33-5207, IDAHO CODE, TO PROVIDE REFERENCES TO AUTHORIZED CHARTERING ENTITY AND TO FURTHER GOVERN APPEAL PROCEDURES; AMENDING SECTION 33-5209, IDAHO CODE, TO STRIKE CERTAIN RENEWAL REQUIREMENTS, TO PROVIDE REFERENCES TO AUTHORIZED CHARTERING ENTITY, TO PROVIDE FOR PUBLIC HEARING OF DETERMINATION TO REVOKE A CHARTER AND TO PROVIDE APPEAL PROCEDURE; AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE REFERENCES TO AUTHORIZED CHARTERING ENTITY, TO REQUIRE CERTAIN FINANCIAL REPORTING AND TO SPECIFY APPLICATION OF RULES WHICH SPECIFICALLY PERTAIN TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5211, IDAHO CODE, TO REVISE INFORMATION DISTRIBUTION REQUIREMENTS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5213, IDAHO CODE, TO CREATE AN INDEPENDENT PUBLIC CHARTER SCHOOL COMMISSION, TO PROVIDE MEMBERS AND PROVIDE FOR MEETINGS; PROVIDING SEVERABILITY; GOVERNING EFFECT UPON EXISTING PUBLIC CHARTER SCHOOLS; AND DECLARING AN EMERGENCY.

**S 1445
BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2005; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2004; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AUTHORIZING THE EXPENDITURE OF ALL RECEIPTS COLLECTED; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO MANAGING GROWTH IN THE CHILDREN'S HEALTH INSURANCE PROGRAMS; REQUIRING THE DEPARTMENT OF HEALTH AND WELFARE TO FILE A WRITTEN REPORT ON THE STATUS OF MEDICAID IN JANUARY 2005; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO A MEDICAID BUY-IN PROGRAM; AND DECLARING AN EMERGENCY FOR SECTION 2 OF THIS ACT.

S 1444 and **S 1445** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 9:30 a.m., Monday, March 15, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary